

II. REMARKS

Formal Matters

Claims 31-36, 59, 63, 65-68, and 70 are pending after entry of the amendments set forth herein.

Claims 30-36, 38-43, 45, 55, 57-61, 63, 65-75, and 77-96 were examined and were rejected.

Claims 59 and 63 are amended. The amendments to the claims were made solely in the interest of expediting prosecution, and are not to be construed as an acquiescence to any objection or rejection of any claim. The amendments to claims 59 and 63 were made to change the claim dependency. Accordingly, no new matter is added by these amendments.

Claims 30, 38-43, 45, 55, 57, 58, 60, 61, 69, 71-75, and 77-96 are canceled without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claims. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Rejection under 35 U.S.C. §112, first paragraph

Claims 30, 45, 55, 57, 58, 60, 61, 63, 65-69, 71-75, 77, and 78-96 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. Claims 30, 45, 55, 60, 61, 63, 65-69, 71-75, 95, and 96 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking written description.

Without conceding as to the correctness of these rejections, claims 30, 45, 55, 57, 58, 60, 61, 69, 71-75, and 77-96 are canceled without prejudice to renewal, thereby rendering any rejection of these claims moot. Claim 63 is amended to depend from claim 31, which was not rejected. Accordingly, claims 63 should also now be allowable. Claims 65-68 depend, directly or indirectly from claim 63, and should therefore also now be allowable.

Conclusion as to the rejections under 35 U.S.C. §112, first paragraph

Applicants submit that the rejections of the claims discussed above under 35 U.S.C. §112, first paragraph, have been adequately addressed in view of the remarks set forth above. The Examiner is thus respectfully requested to withdraw the rejections.

Obvious-type double patenting rejection

Claims 30-36, 38-43, 45, 55, 57-61, 63, 65-75, and 77-96 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-6 of U.S. Patent No. 6,265,192.

Applicants enclose herewith a terminal disclaimer, disclaiming patent term beyond the expiration date of U.S. Patent No. 6,265,192. Thus, this rejection of claims 30-36, 38-43, 45, 55, 57-61, 63, 65-75, and 77-96 may be withdrawn.

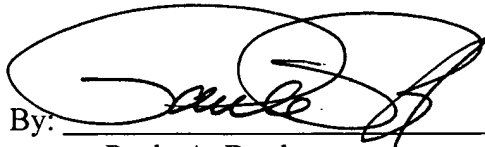
III. CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCAL-107 CON.

Respectfully submitted,
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Date: Dec. 22, 2004

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